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Request for Reconsideration Under 37 C.F.R. § 1.116
U.S. Application No.: 09/323,135

Attorney Docket No.: 54622

REMARKS

Claims 1-8 are all the claims pending in the application.

Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,949,871 to Kabay et al. (hereinafter "Kabay") in view of a newly found reference, U.S. Patent No. 5,940,438 to Poon et al. (hereinafter "Poon"). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider in view of the following comments.

Of these claims, only claims 1 and 3 are independent. To begin, independent claim 1 recites a number of unique features not taught by the prior art references cited by the Examiner. For example, claim 1 recites:

an interpreter to produce a signaling
configuration upon receiving a predetermined
character string corresponding to an order
to send a signaling message...

Applicant respectfully submits that the unique combination of claim 1 including at least the claimed predetermined character string corresponding to an order to send a signaling message is absent from the combined teachings of Kabay and Poon. The Examiner alleges that Kabay's dial number is equivalent to the predetermined character string, as set forth in claim 1 (see page 2 of the Office Action). Applicant respectfully disagrees with the Examiner. Applicant has carefully studied Kabay's discussion of the dial number and Poon's discussion of the universal modem with reconfigurable logic, which are not similar to having a pre-determined character string

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represent an order to send a signaling message, which is the same for all different types of signaling messages.

For example, an illustrative, non-limiting embodiment of the present invention discloses a switch that is capable of transmitting and receiving signaling messages for a variety of communication channels without having a transcoder for each type of signaling message. In particular, this exemplary embodiment has a switch with an interpreter, which transmits signaling messages in a variety of forms based on the signaling channels available to the switch. In this exemplary embodiment, a predetermined instruction string (order) is added to the signaling message. The predetermined order is always the same irregardless of the type of signaling message.

In response to the order, the interpreter of the exemplary embodiment of the present invention, encapsulates the signaling message according to the type of channels available at the switch. Upon receipt of this message by another switch, the recipient switch adds a "received" instruction to the signaling message and then, checks to see if the message is addressed to this switch. When the signaling message is not addressed to this switch, a "send" order is added, and the signaling message is reconfigured based on channels available at this recipient switch. For example, if the switch only has an X25 type of channel, then the signal is configured to be transmitted over this X25 type of channel even if the original signal is in a different type. On the other hand, if the switch has a number of channels available, then the interpreter can decide which type of channel to use (e.g., first available link in chronological order). This discussion of

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an exemplary embodiment is provided by way of an example only and is not intended to limit the scope of the claims in any way.

Kabay teaches an improved method of providing services in the telecommunications network for ported clients (clients which kept their number but changed the provider) by means of using an interceptor (col. 5, lines 40 to 65). Specifically, this interceptor intercepts a control message (e.g., Initial Address Message) and checks whether the caller or the receiver is a ported client by checking the dial number and the called party number. If the caller or the called party is a ported client, then the interceptor accesses the type and values of an IAM and compares them with stored service trigger data (Fig. 15; col. 13, lines 10 to 19). Next, at least one of the call-related parameters of the control message is modified to effect some of the required service implementation action. Basically, this interceptor sends out a new IAM with destination data set in dependence on the location routing number (col. 16, lines 1 to 67).

However, Applicant respectfully submits that Kabay's dial number and the caller party number are not similar to a predetermined character string corresponding to an order to send a signaling message. In Kabay, the dial number and the called party number are simply telephone numbers, which vary if the interceptor box intercepts a call of a different caller or if the caller dials a different person. In Kabay, these numbers are not predetermined instructions, which are the same for all different types of calls.

Poon, on the other hand, teaches a universal modem which, in the receive mode, detects the modulation type of the incoming signal by detecting the channel to which the receiver is tuned, or by reading a flag in the header file, and sets the demodulator to the expected format

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(col. 2, lines 35 to 55). On the transmit side of the universal modem, Poon teaches configuring the modulator in the modem to output bit streams having the required modulation format dependent on the media, namely, terrestrial 42, cable 44, satellite 46 and landline 48. The modulator is software-configurable, which eliminates the requirement for a plurality of modulators. The modem 40 reformats the program material or video source from source coding 60 so as to put the material into a modulation format which is compatible with the particular medium over which the information is to be transmitted. In general, modem 40 performs function of channel coding, with the channel dictating the particular modulation format (Fig. 4; col. 6, lines 22 to 36).

However, Poon clearly fails to cure the deficient teachings of Kabay. Poon simply teaches reformatting program materials based on the type of medium available to transmit the program (col. 6, lines 22 to 38). Poon teaches transmission of the actual data in various forms and it fails to address the signaling messages. In fact, the signaling messages are simply not the focus of Poon's teachings.

Moreover, Poon only teaches having flags, which specify what type of de-modulation should be performed. In Poon, there is no predetermined character string corresponding to an order to send a signaling message irregardless of the type of signaling message to be sent. Poon fails to teach or suggest configuring the signaling message in response to receiving an instruction to transmit a signaling message. In short, both Kabay and Poon, taken alone or in any conceivable combination, fail to teach or suggest a predetermined character string corresponding to an order to send the signaling message.

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Therefore, *an interpreter to produce a signaling configuration upon receiving a predetermined character string corresponding to an order to send a signaling message* as set forth in claim 1 is not suggested or taught by the combined teachings of Kabay and Poon. Together, the combined teachings of these references would not have (and could not have) led an artisan of ordinary skill in the art to have achieved the subject matter of claim 1. Since claim 2 is dependent upon claim 1, it is patentable at least by virtue of its dependency.

In addition, dependent claim 2 recites: *a detector recognizing whether the receiver signaling message is addressed to the switch*. The Examiner alleges that this feature is taught by Kabay's method of ascertaining whether service implementation action is required with respect to the call associated with the control message (see page 3 of the Office Action). Applicant respectfully disagrees. Kabay teaches intercepting the message, and processing the trigger data when the call comes from a ported caller or to a ported called party. However, the fact that the message has to be intercepted, already suggests that the message is never intended for the interceptor box and as such the detection recited in claim 2 is unnecessary.

Poon fails to cure the deficient teachings of the Kabay reference. Poon only teaches demodulating received message and modulating messages to be sent. The reference does not address having messages be received and then forwarded elsewhere. Moreover, Poon does not teach or suggest determining whether the message is intended for this universal modem's host computer or should be forwarded elsewhere. For at least this additional reason, therefore, Applicant respectfully submits that claim 2 is patentable over the references cited by the Examiner.